
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS ENRIQUE CANOS GUTIERREZ,
Defendant.

ORDER OF FORFEITURE

Case No. 2:21-CR-00185-HCN-JCB-23

Judge Howard C. Nielson, Jr.
United States District Judge

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 1 of the Felony Information, Conspiracy to Distribute Cocaine, for which the government sought forfeiture pursuant to 21 U.S.C. § 853, the defendant Carlos Enrique Canos Gutierrez shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 21 U.S.C. § 841(a)(1) and § 846, including but not limited to:

- \$10,950.00 in United States Currency

2. The Court has determined, based on the information provided in the government's motion, the Felony Information, the guilty plea to Conspiracy to Distribute Cocaine, and the defendant's statement in advance of plea that included his agreement regarding the forfeiture, that the property identified above is subject to forfeiture, that the defendant had an interest in the property, and that the government has established the requisite nexus between this property and the offense to which Defendant has pleaded guilty.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

3. In accordance with Federal Rule of Criminal Procedure 32.2(b)(1) and 21 U.S.C. § 853, the property identified above is hereby forfeited to the United States of America.

4. Upon the entry of this Order, in accordance with Federal Rule of Criminal Procedure 32.2(b)(3), the Attorney General (or a designee) is authorized to seize the properties and conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture.

5. Upon entry of this Order, the Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third-party interests, including giving notice of this Order.

6. In accordance with Federal Rule of Criminal Procedure 32.2(b)(6), the United States shall publish notice of this Order on the Government's website, www.forfeiture.gov. Notice shall be published for at least 30 consecutive days. The notice shall describe the forfeited property, state the times under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the property.

7. Any person, other than the above-named defendant, asserting a legal interest in the subject property may, within 30 days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

8. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2).

9. Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claims, and the relief sought.

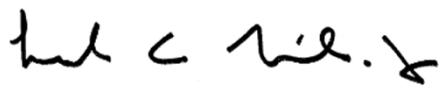
10. After the disposition of any motion filed under Federal Rule of Criminal Procedure 32.2(c)(1)(A), and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

11. The United States shall have clear title to the subject property following the Court's disposition of all third-party interests, or, if no petitions are filed, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b), for the filing of third-party petitions.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

IT IS SO ORDERED.

Dated this 12th day of April, 2022.
BY THE COURT:



Howard C. Nielson, Jr.
United States District Judge